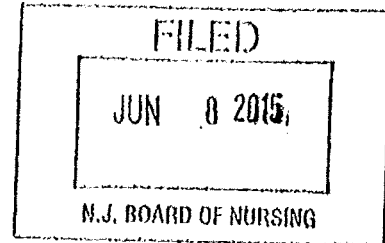
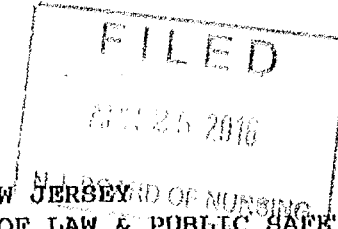


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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF	:	ADMINISTRATIVE ACTION
	:	
Ti-Yona S. Simon, C.H.H.A.	:	PROVISIONAL ORDER OF
Certificate No. 26NH14638900	:	DISCIPLINE
	:	
	:	<input checked="" type="checkbox"/> FINAL ORDER OF DISCIPLINE
	:	(Finalized by default
	:	on April 25, 2016 or 125/16
HOMEMAKER HOME HEALTH AIDE	:	
IN THE STATE OF NEW JERSEY	:	

FINAL

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and on which the following preliminary findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Ti-Yona S. Simon ("Respondent") is a certified homemaker-home health aide in the State of New Jersey and has been a licensee at all times relevant hereto. (Exhibit A).

2. Upon receipt of a flagging notice that Respondent was arrested on January 2, 2015 by Verona Police for violation of N.J.S.A. 2C:21-6C(1) Credit Card Theft, the Board sent a letter of inquiry, requesting certain information and submission of documents, to Respondent's address of record in Orange, New Jersey.

3. During a police interview, Respondent signed a statement in which she admitted that she used the stolen credit card more than ten times to make purchases for her own use without authorization.

4. Respondent responded to the Board's letter of inquiry and provided the information requested. Respondent subsequently faxed a narrative statement to the Board in which she admitted using the credit card for her own personal use and that she was not authorized to use the credit card. Respondent stated that she would be entering a program for first time offenders and that the charge would be dismissed after she completes probation.

CONCLUSIONS OF LAW

Respondent's admission that she stole her client's credit card and then used the credit card ten times to charge items for her personal use demonstrates that Respondent engaged in acts constituting crimes or offenses relating adversely to the practice of homemaker-home health aide care in violation of

N.J.S.A. 45:1-21(f), acts of professional misconduct in violation of N.J.S.A. 45:1-21(e), and dishonesty in violation of N.J.S.A. 45:1-21(b). These violations subject Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

ACCORDINGLY, IT IS on this 8th day of June, 2015,

ORDERED that:

1. Upon the filing of a FINAL ORDER OF DISCIPLINE, Respondent's certificate to practice as a homemaker-home health aide shall be suspended. The Board shall not entertain an application for reinstatement for a minimum period of five (5) years from the date of the filing of a FINAL ORDER OF DISCIPLINE.

2. Upon the filing of a FINAL ORDER OF DISCIPLINE, Respondent shall promptly, within 5 (five) days, mail her certificate, wall and wallet version, to practice as a homemaker home health aide to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101.

3. Upon the filing of a FINAL ORDER OF DISCIPLINE, Respondent shall immediately cease and desist from holding herself out as a certified homemaker-home health aide and/or practicing as a homemaker home health aide, which includes, but is not limited to, performing delegated nursing regimens or nursing tasks delegated through the authority of a duly licensed

professional nurse. Any practice in this State shall constitute grounds for a charge of unlicensed practice.

4. Prior to any application for reinstatement of her certification, Respondent shall appear before the Board or a committee thereof, demonstrate that she has paid the \$5,000.00 penalty imposed in paragraph 6 below and discuss her readiness to reenter practice as a homemaker-home health aide. At that time Respondent shall be prepared to propose her plans for future practice in New Jersey and demonstrate that she is fit and competent to practice and has been rehabilitated to the Board's satisfaction.

5. A reprimand is imposed upon Respondent for engaging in professional misconduct.

6. Upon the filing of a FINAL ORDER OF DISCIPLINE Respondent is assessed a civil penalty in the amount of five thousand dollars (\$5,000.00). Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of filing of a FINAL ORDER OF DISCIPLINE. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed

in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

7. The within order shall be subject to finalization by the Board at 5:00 p.m. on the 30th day following entry hereof unless Respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of by:

- a) Submitting a written request for modification or dismissal to George Hebert, Executive Director, Board of Nursing, 124 Halsey Street, Sixth Floor, P.O. Box 45010, Newark, New Jersey 07101.
- b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.
- c) Submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefore or offered in mitigation of penalty.

8. Any submissions will be reviewed by the Board and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Board is not persuaded that the submitted materials merit further consideration, a FINAL ORDER OF DISCIPLINE will be entered.

9. In the event that Respondent's submissions establish a need for further proceedings, including, but not limited to an evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered,

the preliminary findings of fact and conclusions of law contained herein may serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing is held and upon review of the record, the Board shall not be limited to the findings, conclusions and sanctions stated herein.

10. In the event that the Board receives no written request for modification or dismissal within 30 days following entry of this Provisional Order, without further Board review, all referenced preliminary Findings of Fact and Conclusions of Law and all provisional sanctions or penalties imposed by this Order shall automatically become the Final Decision and Order of the Board. Thereafter, Respondent's failure to comply with any sanction or penalty imposed by this Order shall be considered a violation of a Board Order in contravention of N.J.S.A. 45:1-21 (e) and (h) and N.J.A.C. 13:45C-1.4 and may subject Respondent to additional sanction and/or penalty.

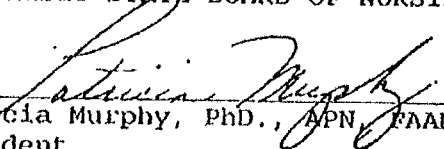
11. The Board reserves the right to initiate disciplinary proceedings based upon any new information the Board receives.

12. If Respondent's certification as a homemaker-home health aide is reinstated, the Board, in its discretion, may impose any conditions or restrictions on licensure it deems necessary to protect the public health, safety and welfare.

13. Any violation of this order by Respondent shall constitute grounds for such proceedings as are permitted by law.

NEW JERSEY STATE BOARD OF NURSING

By:


Patricia Murphy, PhD., APN, FAAN
President